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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,646	10/23/2003	Toru Hirayu	50195-397	9146

7590 11/23/2005  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER

WALTERS, JOHN DANIEL

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/690,646

Applicant(s)

HIRAYU, TORU

Examiner

John D. Walters

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/23/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

Claims 1 – 7 have been examined.

#### ***Drawings***

Figures 7 – 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admission of prior art in view of Harasaki et al. (4,392,545). Applicant's admission discloses a structure for mounting an engine for a vehicle comprising:

- a supporting member (Fig. 7, item 7) for supporting the engine on a front side of the engine with a space provided between the engine and the supporting member (Fig. 7, item 18);
- a first bracket affixed to the engine at a first point (Fig. 7, item 2);
- said first bracket supported by the supporting member at a second point lower than the first point (Fig. 7).

Applicant's admission does not teach the placement of auxiliary equipment in the space formed by said supporting member and said bracket. Harasaki, however, discloses an engine mounting system comprising:

- an auxiliary machine, i.e. differential gear device, (Fig. 5, item 18) disposed in a space between a supporting member and an engine.

In regards to claims 1 and 7, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to manufacture the components within an engine compartment in such a way that the components closest to the outer perimeter of said compartment are of a lesser strength than the components further into said compartment. This enables the "crumple zone" of the vehicle to form in such a way that the outer structure deforms to dissipate impact energy while gradually stiffening as the impact propagates towards an occupant/operator.

In regards to claim 3, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to place any auxiliary machine generally attached to an engine in the space formed by said supporting member and said bracket. As a starter

motor is a standard engine accessory, it would be obvious to place it within said opening.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the auxiliary machine placement of Harasaki with the engine mount structure of Applicant's admission in order to add rigidity to the "crumple zone" formed within a forward portion of said engine compartment.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admission of prior art in view of Harasaki et al. (4,392,545) as applied to claims 1 – 3 and 7 above, and further in view of Park (6,386,309). Applicant's admission of prior art in view of Harasaki fails to disclose a channel shaped supporting member. Park, however, discloses a mount assembly comprising:

- a supporting member formed in a channel shape open forward (Fig. 2,item 18).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the open channel bracket of Park with the engine mount structure of Applicant's admission in view of Harasaki in order to remove weight from the vehicle.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admission of prior art in view of Harasaki et al. (4,392,545) as applied to claims 1 – 3 and 7 above, and further in view of Noboru (JP 55-136660). Applicant's admission of prior art in view of Harasaki fails to disclose the use of strength reduction

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features within structural components of said engine compartment. Noboru, however, discloses a frame structure comprising:

- a support member with a fragile portion which reduces the strength of the supporting member in the longitudinal direction of the vehicle (Fig. 4);
- wherein said fragile portion comprises a pair of vertically extending embossed beads (Fig. 4, item 3).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the engine mount structure of Applicant's admission in view of Harasaki with the frame features of Noboru in order to provide appropriate impact absorptive characteristics.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

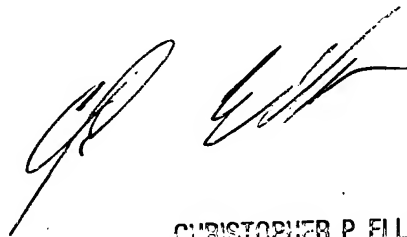
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John D. Walters  
Examiner  
Art Unit 3618

JDW



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